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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,863	01/30/2004	Patrick R. Lancaster III	2906.0359-00	2966

22852 7590 05/24/2006

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EXAMINER
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TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/767,863	<b>Applicant(s)</b> LANCASTER ET AL.	
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 50,53-55 and 119-138 is/are pending in the application.
- 4a) Of the above claim(s) 131-134 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50,53-55, 119-130 and 135-138 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12222005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species I (claims 50, 53-55, and 119-128 along with the generic claims 129, 130, and 135-138) in the reply filed on 03/24/2006 is acknowledged.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the filed drawings of 01/30/2004 are un-formal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

Claims 121 and 122 are objected to because of the following informalities:

Applicants need to amend claim 121, line 2 as follow: delete "a" before "cable" and instead insert --the--;

Claim 122, line 3, delete "a" before "roping" and instead insert --the--; etc.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 50, 53-55, 119-128, 129, 130, and 135-138 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear in the specification what applicants referring to by the claimed “a first portion of the wrapping cycle”; “a second portion of the wrapping cycle”; or “from a film drive down configuration to a non-drive down configuration”?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 50, 53-55, 119-128, 129, 130, and 135-138 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 119 and 129, lines 6 and 9 “a first portion of the wrapping cycle” and “a second portion of the wrapping cycle” are vague, indefinite, and/or confusingly worded as it is not clear what do applicants mean by first and second portions of the wrapping cycle and what are these wrapping cycles?

In claims 119 and 129, lines 10 and 11 “from a film drive down configuration to a non-drive down configuration” is vague, indefinite, and/or confusingly worded as it is not clear what is that the film drive/non-drive down configuration?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50, 53-55, 119-128, 129, 130, and 135-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thimon (U.S. Patent No. 5,040,359) in view of Casteel et al. (U.S. Patent No. 4,807,427).

Thimon discloses a method for wrapping a load with a film web during a wrapping cycle, comprising; dispensing a film web from a film dispenser (Figs. 1 and 5); providing relative rotation between the load and the dispenser during the wrapping cycle to wrap the film web around the load (Figs. 1-4); and during “a first portion of the wrapping cycle”, driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation (Figs. 9 and 13; via rods 37 and 38), with at least one of an upstream guide roll and a downstream guide roll (Fig. 5; via rollers 62, 63, 37, and 38); during “a second portion of the wrapping cycle”, moving at least one of the upstream and downstream guide rollers “from a film drive down configuration to a non- drive down configuration” (Figs. 9 and 13).

Thimon does not disclose the step of rolling a portion of the web into a cable to support the load. However, Casteel, discloses a similar method of wrapping a load with the step of rolling a portion of the web into a cable (Figs. 1, 2, and 4; via grooved element 33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon’s method by having the step of rolling a

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portion of the web into a cable, as suggested by Casteel, in order to strengthen the edges of the wrapping film to hold tide into the loaded containers (column 1, lines 35-40).

Regarding claims 120 and 130: Thimon discloses that wherein driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation includes driving at least a portion of the film web to an elevation below a top of the pallet supporting the load (Figs. 3 and 4; via the wrapping web covering below a top portion of pallet 2a).

Regarding claims 121-123 and 127: Thimon does not disclose wherein rolling a portion of the film web into the cable includes selectively engaging an edge portion of the film web with at least one roping element to roll the edge portion of the film web into a rolled cable of film. However, Casteel, discloses the step of rolling a portion of the film web into the cable includes selectively engaging an edge portion of the film web with first and second roping elements to roll the edge portion of the film web into a rolled cable of film (Figs. 1, 2, and 4; via grooved rollers 33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon's method by having the step of rolling a portion of the web into a cable by using at least first and second roping elements adjacent to the guide rolls to roll the edge portion of the film web, as suggested by Casteel, in order to strengthen the edges of the wrapping film to hold tide into the loaded containers (column 1, lines 35-40).

Regarding claims 124 and 135: Thimon discloses that wherein moving at least one of the upstream and downstream guide rollers from a film drive down configuration to a non- drive down configuration includes changing an angle at which at least one of the upstream and

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downstream guide rollers is tilted from a first angle to a second angle, different from the first angle (Figs. 2-4; via pivoting elements 37 and 38).

Regarding claims 125 and 136: Thimon discloses that wherein moving at least one of the upstream and downstream guide rollers from a film drive down configuration to a non- drive down configuration includes disengaging the at least one of the upstream and downstream guide rollers from the film web as it extends in a film path between the dispenser and the load, see for example (Figs. 2-4).

Regarding claims 126 and 137: Thimon discloses that wherein a bottom portion of the load is wrapped during the first portion of the wrapping cycle, see for example (Figs. 1-5).

Regarding claims 128 and 138: Thimon discloses that wherein rolling a portion of the load other than the bottom portion is wrapped during the second portion of the wrapping cycle, see for example (Figs. 1-5).

Regarding claim 53: Thimon nor Casteel disclose the step of coating at least one of the upstream and downstream guide rollers. However, the examiner takes an official notice that such guiding rollers to guide a web is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have coated Thimon's guiding rollers, as a matter of engineering design choice, in order to smooth rolling and conveying the web and to avoid any crumple to the web.

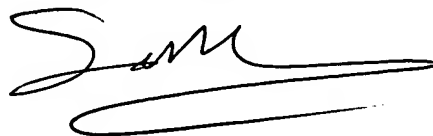
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

A handwritten signature in black ink, appearing to be 'Sameh', with a long horizontal flourish underneath.

ST.